

TEXAS APPRAISER LICENSING
AND CERTIFICATION BOARD

vs.

KATHY ANN GALVAN
TX-1335209-R

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DOCKETED COMPLAINT NO.
09-307

AGREED FINAL ORDER

On this the 12 day of January Feb, 2010, the Texas Appraiser Licensing and Certification Board, (the Board), considered the matter of the certification of Kathy Ann Galvan (Respondent).

In order to conclude this matter Kathy Ann Galvan neither admits nor denies the truth of the Findings of Fact and Conclusions of Law contained herein and further agrees to the disciplinary action set out in this Agreed Final Order. The Board makes the following findings of fact and conclusions of law and enters this Order in accordance with TEX. OCC. CODE § 1103.458:

FINDINGS OF FACT

1. Respondent Kathy Ann Galvan is a Texas state certified residential real estate appraiser, holds certification number TX-1335209-R, and has been certified by the Board during all times material to the above-noted complaint case.
2. Respondent is subject to the jurisdiction of the Board, the Texas Appraiser Licensing and Certification Act, Tex. Occ. Code Chapter 1103 (the Act), the Rules of the Board, 22 Tex. Admin. Code §§153, 155, 157 (the Rules), and the Uniform Standards of Professional Appraisal Practice (USPAP) in effect at the time of the appraisal.
3. Respondent appraised 320 North Colbert, Sherman, Texas 75090 ("the property").
4. On or about August 10th, 2009, the Complainant, Mr. Walcott G. Black, filed a complaint with the Board based on allegations that the Respondent had produced an appraisal report that contained potential violations of USPAP.

5. On or about August 13th, 2009, the Board, in accordance with the mandate of the Administrative Procedure Act (the APA), TEX. GOV'T CODE ANN. Chapter 2007, notified Respondent of the nature and accusations involved and Respondent was afforded an opportunity to respond to the accusations alleged by the Complainant. Respondent's response to the complaint was received.
6. Respondent violated TEX. OCC. CODE § 1103.405, 22 TEX. ADMIN. CODE §§ 153.20(a)(3) and 155.1(a) by the following acts or omissions which did not conform to USPAP in effect at the time of the appraisal report for the property:
 - a) Respondent failed to identify the client and other intended users of the appraisal and failed to identify the intended use of the appraiser's opinions and conclusions adequately;
 - b) Respondent failed to provide a definition of value and its source, and failed to describe the market value estimate's terms;
 - c) Respondent failed to identify the date of the report and the real property interest to be appraised;
 - d) Respondent failed to adequately identify and report the site description;
 - e) Respondent failed to consider and report easements, restrictions, encumbrances, leases, reservations, covenants, contracts, declarations, special assessments, ordinances or other items of a similar nature;
 - f) Respondent failed to identify and analyze the effect on use and value of existing land use regulations, economic supply and demand, physical adaptability of the real estate and market area trends;
 - g) Respondent failed to develop an opinion of the highest and best use;
 - h) Respondent failed to use an appropriate method or technique to develop an opinion of site value and did not correctly employ methods recognized methods and techniques in her cost approach;
 - i) Respondent failed to correctly employ recognized methods and techniques in her sales comparison approach and did not collect, verify, analyze and reconcile comparable sales data adequately;
 - j) Respondent's appraisal report contains substantial errors of commission or omission as detailed above which resulted in a misleading appraisal report.
7. Respondent omitted material facts and made material misrepresentations in her appraisal report as detailed above.

CONCLUSIONS OF LAW

1. The Texas Appraiser Licensing and Certification Board has jurisdiction over this matter pursuant to the Texas Appraiser Licensing and Certification Act, TEX. OCC. CODE §§ 1103.451-1103.5535 (Vernon 2007).

2. Respondent violated the following provisions of USPAP as prohibited by TEX. OCC. CODE § 1103.405 and 22 TEX. ADMIN. CODE §§ 155.1(a) and 153.20(a)(3): USPAP Ethics Rule; USPAP Standards: 1-2(a) & 2-2(b)(i); 1-2(b) & 2-2(b)(ii); 1-2(c) & 2-2(b)(v); 1-2(d) & 2-2(b)(vi); 2-2(b)(vi); 1-2(e)(ii) & 2-2(b)(iv); 1-2(e)(i) & 2-2(b)(iii); 1-2(e)(iv) & 2-2(b)(viii); 1-3(a) & 2-2(b)(viii); 1-3(b) & 2-2(b)(ix); 1-4(b)(i) & 2-2(b)(viii); 1-1(a) & 1-4(b); 1-4(a) & 2-2(b)(viii); 1-1(a) & 1-4(a); 1-1(a); 1-1(b); 1-1(c); and, 2-1(a).

3. Respondent violated 22 TEX. ADMIN. CODE §153.20(a)(9) by omitting material facts and making material misrepresentations.

Based on the above findings of fact and conclusions of law, the Board **ORDERS** that the Respondent shall:

- a. Attend and complete a minimum, 15 classroom-hour course in USPAP;
- b. Attend and complete a minimum, 30 classroom-hour course in Report Writing;
- c. Comply with all provisions of the Act, the Rules of the Board, and USPAP in the future, or be subjected to further disciplinary action.

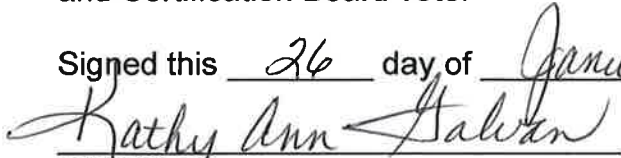
ALL CLASSES required by this Agreed Final Order must be classes approved by the Board and must be completed within **TWELVE MONTHS** of the date of this Order and documentation of attendance and successful completion of the educational requirements of this Order shall be delivered to the Board on or before the end of the twelve-month period indicated. None of the classes or seminars required by this Order may be taken through correspondence courses. Unless otherwise noted above, all classes must be in-class, have an exam, and Respondent must have a passing grade on the exam given in each class. None of these required classes will count toward Respondent's continuing education requirements for certification. Respondent is solely responsible for locating and scheduling classes to timely satisfy the terms of this agreement.

Failure to timely comply with any of the terms of this Final Agreed Order shall result in initiation of a contested case proceeding against Respondent and after opportunity for a hearing, possible imposition of disciplinary sanctions against Respondent as provided for by TEX. OCC. CODE § 1103.518.

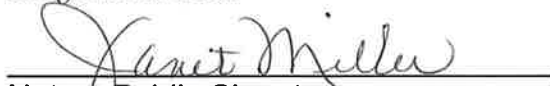
Respondent, by signing this Agreed Final Order, waives the Respondent's right to a formal hearing and any right to seek judicial review of this Agreed Final Order. Information about this Agreed Final Order is subject to public information requests and notice of this Agreed Final Order will be published on the Board's web site.

THE DATE OF THIS AGREED FINAL ORDER shall be the date it is executed by the Chairperson of the Texas Appraiser Licensing and Certification Board. The Chairperson has been delegated the authority to sign this Agreed Final Order by the Texas Appraiser Licensing and Certification Board vote.

Signed this 26 day of January, 2010.


KATHY ANN GALVAN

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned, on this the 26 day of January, 2010, by KATHY ANN GALVAN, to certify which, witness my hand and official seal.



Notary Public Signature

Janet Miller
Notary Public's Printed Name

Signed by the Commissioner this 12 day of Feb, 2010.


Douglas Oldmixon, Commissioner
Texas Appraiser Licensing and Certification Board

Approved by the Board and Signed this 12 day of Feb, 2010.

 James B. Ratliff
Clinton P. Sayers, Chairperson
Texas Appraiser Licensing and Certification Board